

UNITED STATES DISTRICT COURT

for the

District of New Mexico In the Matter of the Search of
THE BODY OF JESUS SALAS, YOB 1993

}

Case No. 24MR1877

FILED

United States District Court
Albuquerque, New MexicoMitchell R. Elfers
Clerk of Court

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

See attachment A.

located in the _____ District of New Mexico _____, there is now concealed (*identify the person or describe the property to be seized*):

See attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

evidence of a crime;
 contraband, fruits of crime, or other items illegally possessed;
 property designed for use, intended for use, or used in committing a crime;
 a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

18 U.S.C. 922(g)(1)

Offense Description:

Felon in Possession of a Firearm and Ammunition

The application is based on these facts:

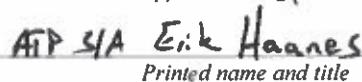
See attached affidavit.

 Continued on the attached sheet.

Delayed notice of _____ days (*give exact ending date if more than 30 days*: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature



Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
 telephonically sworn and electronically signed _____ (*specify reliable electronic means*).

Date: October 15, 2024



Judge's signature

City and state: Albuquerque, NM

Honorable Laura Fashing, United States Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

IN THE MATTER OF THE SEARCH OF:
THE BODY OF JESUS SALAS, YOB 1993

Case No. 24MR1877

**AFFIDAVIT IN SUPPORT OF AN APPLICATION UNDER RULE 41 FOR A WARRANT
TO SEARCH AND SEIZE**

I, Erik Haanes, a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the body of Jesus SALAS (born in 1993, SSN: XXX-XX-7431)—specifically, to collect deoxyribonucleic acid (DNA) samples from SALAS by way of buccal swabs. As described below, there is probable cause to believe SALAS's DNA may be present on firearms and ammunition seized by law enforcement in the course of this investigation. Therefore, this warrant seeks authorization to collect DNA samples from SALAS in order to compare those samples with samples collected from the lawfully seized evidence in this case.
2. SALAS is currently being housed at the Metropolitan Detention Center (MDC). SALAS was charged by federal indictment on September 24, 2024, in case number 24-cr-1347 in the District of New Mexico with a violation of 18 U.S.C. § 922(g)(1), that being felon in possession of a firearm and ammunition. SALAS is approximately 5'10", 250 lbs, with black hair and brown eyes.
3. Because this affidavit was authored for the limited purpose of establishing probable cause, it does not include each and every fact known to me from this investigation. I have set forth only the facts that I believe are necessary to establish the foundation for an order authorizing the requested search warrant. In authoring this affidavit, I relied on the reports and statements of other law enforcement officers and involved parties in order to ascertain the facts of the case and author this affidavit.

PURPOSE OF THE AFFIDAVIT

4. As set forth herein, there is probable cause to believe that SALAS committed a violation of 18 U.S.C. § 922(g)(1), that being felon in possession of a firearm and ammunition. Because there is probable cause to believe SALAS possessed the firearms and ammunition relevant to this crime, there is also probable cause to believe that SALAS's DNA will be

found on evidence collected in this investigation. Therefore, there is probable cause to collect DNA samples from SALAS via buccal swab in order to compare it with samples collected from the lawfully seized evidence in this case.

AFFIANT'S RELEVANT TRAINING AND EXPERIENCE

5. Beginning in September 2014, I attended a 26-week ATF academy in Glynco, Georgia that certified me as an ATF Special Agent.
6. As a Special Agent with the ATF, and my prior experience as a local law enforcement officer, I have conducted physical surveillance, interviewed sources of information and defendants, served search warrants and arrest warrants, investigated firearms and drug trafficking, and assisted on undercover firearms and narcotic investigations. Further, I have testified in judicial proceedings in federal court involving prosecutions relating to violations of federal narcotics and firearms laws.
7. I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7), in that I am an officer of the United States who is empowered by law to conduct investigations and make arrests for the offenses enumerated in Title 18, 21, and 26, United States Code.
8. As a result of my training and experience, I am aware that when individuals handle items, including firearms and ammunition, their DNA is often left behind and detectable by lab technicians.
9. Through my training and experience, I am aware that human saliva and droplets of human sweat contain DNA, which can be used to help identify an individual, and that DNA from human saliva or sweat droplets can potentially be recovered and used to help identify an individual, after the individual comes in contact with a surface or an object.

PROBABLE CAUSE

Jesus SALAS' contact with APD:

10. On April 18, 2024, I initiated a case into Jesus SALAS (DOB: X/XX/1993), a multi convicted felon, after reviewing information concerning SALAS' possession of a firearm and narcotics during a contact with officers from the Albuquerque Police Department (APD) on March 18, 2024.
11. I reviewed APD report # 240022598, documenting the details surrounding APD's contact with SALAS.
12. According to police reports, on March 18, 2024, officers were dispatched to an address on 46th NW in Albuquerque, New Mexico, for a suicide call after a caller contacted 911 stating that her mother had shot herself. While approaching the scene, officers heard screaming and observed a male subject, later identified as Jesus SALAS, facing into a vehicle from the outside. SALAS was standing over the victim who was sitting in the passenger side of the vehicle.

13. As officers got close to the vehicle, Officer Gonzalez observed a handgun on the victim's right leg. (I later examined the firearm and determined it was a Taurus, model G2C, 9mm caliber pistol with serial number TMC78163 that was loaded with 10 9mm cartridges.) Officer Gonzalez also observed a rifle on the ground near the passenger door and at the feet of SALAS. (I later examined the firearm and determined it was an Anderson Manufacturing, model AM-15, multi caliber rifle with serial number 21251554 that had been loaded with 30 rifle cartridges.) Officers gave commands to SALAS to step away from the vehicle and firearms. Officers observed SALAS wearing a tactical vest and soft body armor covered by a coat. Officer Gonzalez removed the firearm from the victim's lap and observed her holding her head with a blanket while she was screaming.
14. SALAS was detained and disclosed to officers that he had been smoking "crystal" (methamphetamine) and he had some (methamphetamine) in his possession. While in the back of an officer's patrol car where SALAS was placed, Officer Gonzales observed what appeared to be methamphetamine. Officer Gonzalez also observed that SALAS had removed his soft body armor and tactical vest. Officer Gonzales removed the body armor and tactical vest and placed it outside of the patrol car. Officer Gonzales did not look in the vest but observed that the vest contained two (2) loaded rifle magazines.
15. SALAS was eventually moved into the back of Officer Gonzalez's patrol car. While doing so, Officer Gonzalez conducted a pat down of SALAS and located 51 blue pills that appeared to be fentanyl. Officer Gonzales noticed that later, when a detective arrived to speak with SALAS at the patrol car, SALAS had removed one of his shoes. Officer Gonzales located a small amount of suspected methamphetamine next to SALAS' foot on the floorboard of the patrol car.
16. The victim did not make any coherent statements and was transferred to UNMH for treatment. During interviews, SALAS denied shooting the victim and claimed she had shot herself after an argument. A crime scene investigator noted that the victim had a gunshot wound to the back of her head and there was no exit wound. The crime scene investigator indicated that the wound was not consistent with a self-inflicted gunshot wound.
17. On May 7, 2024, I spoke with APD Detective Adam Theroux. Detective Theroux advised that a third firearm (Ruger) was located on the ground outside of the passenger side of the vehicle during the shooting incident on April 18, 2024. I identified the firearm to be a Ruger, model P89, 9x19 caliber pistol, with serial number 307-37464 that had been loaded with 13 9mm Luger cartridges. Detective Theroux further advised that the rifle magazines in SALAS's vest contained 69 rifle cartridges.
18. I determined that the above-mentioned firearms and ammunition were not manufactured in New Mexico, therefore affecting interstate commerce.
19. I have reviewed SALAS's criminal history, and confirmed that he has previously been convicted of at least one crime punishable by imprisonment for a term exceeding one year, specifically: aggravated battery with a deadly weapon, and unlawful taking of a motor vehicle.
20. The items of evidence seized in connection with the March 18, 2024 incident – including the firearms and ammunition – are all in the lawful custody of law enforcement.

Investigators have obtained sample swabs from the firearms and those samples will be compared with the DNA samples collected from SALAS pursuant to the authorization sought in this application.

21. Based on my training and experience, I know the buccal swab samples from SALAS can, and will, be obtained without unnecessary discomfort to SALAS, in private, and under circumstances where he will feel little or no pain or embarrassment. Should SALAS refuse to cooperate in the collection process, I respectfully request authorization to utilize reasonable force, only if necessary, in obtaining buccal swabs from him.
22. Based on the foregoing, there is probable cause to believe that the DNA samples sought through this warrant will provide evidence pertaining to a violation of 18 U.S.C. § 922(g)(1), that being felon in possession of a firearm and ammunition.

CONCLUSION

23. Based on the facts outlined above, I submit there is probable cause to believe SALAS committed a violation of 18 U.S.C. § 922(g)(1), that being felon in possession of a firearm and ammunition, and that SALAS' DNA will be found on the seized firearms and ammunition described above. Therefore, I respectfully request that the Court issue a search warrant authorizing the collection of buccal cells from SALAS for the purpose of conducting forensic analysis.
24. This search warrant affidavit was reviewed and approved by Assistant United States Attorney Maria Stiteler.

Respectfully submitted,



Erik Haanes
Special Agent
ATF

Subscribed electronically and sworn telephonically to me
on October 15, 2024:



HONORABLE LAURA FASHING
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A
PERSON TO BE SEARCHED

The person of Jesus SALAS (born in 1993, SSN: XXX-XX-7431), so long as he is in the District of New Mexico at the time of the search. Currently, SALAS is at the Metropolitan Detention Center (MDC) located at 100 Deputy Dean Miera Dr SW, Albuquerque, NM 87121. SALAS is approximately 5'10", 250 lbs with black hair and brown eyes.

SALAS is pictured below:



ATTACHMENT B
ITEMS TO BE SEIZED

The following material, which constitute evidence of the commission of a criminal offense, namely a violation of 18 U.S.C. § 922(g), that being felon in possession of firearms and ammunition:

Law enforcement will collect samples of Deoxyribonucleic Acid ("DNA") from Jesus SALAS (born in 1993, SSN: XXX-XX-7431) by way of buccal swabs.